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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,413	02/26/2002	Tim A. Williams	005887.P001	6890
7590	08/10/2006		EXAMINER	
Michael J. Mallie BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2616	
			DATE MAILED: 08/10/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/084,413	WILLIAMS ET AL.	
	Examiner	Art Unit	
	Steven Blount	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-93 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1,3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1 – 9, 13 – 24, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,724,410 to Parvulescu et al in view of U.S. patent 6,853,714 to Liljestrand et al.

With regard to claim 1, Parvulescu et al teach capturing a voice message using a microphone on mobile device 20, storing it in memory 26 (col 4 lines 8+) wherein the mobile device is actuated, as described in col 3 lines 45+ (note the pressing of a button); the message is packetized by the codec into digitized speech as described in col 6 lines 60+ in response to activation, and the message is sent over a wireless network. Parvulescu et al does not however teach the use of a “packet data network channel”.

Liljestrand et al teach a mobile phone with a voice activated interface wherein the data is carried, as one option, over IP (see figure 5 and note mobile unit 150 and VOIP network 103 and note it would have been within the ordinary skill in the art to carry voice over IP via wireless member 150).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have sent the data of Parvulescu et al over a packet network channel in light of the teachings of Liljestrand et al in order to provide a data network with greater mobile connectivity.

With regard to the following claims, note the following:

Cl 2 – 3: note the use of the button above. Cl 4: note the use of the microphone/speech recognition device. Cl 5 – 9: note use of button, speech recognition device, and selection as described above. Cl 13: see discussion of Cl 1 and note the device is a transmitter with an antenna. Cl 14 – 17: see the rejections above; Cl 18: note that Parvulescu et al has display 16; Cl 19 (apparently dependent upon Cl 18) note the use of a choice of commands (ie, menu) would be obvious in light of the teachings of col 5 lines 63+; Cl 20 – 21: note controller 34 which obvious operates under software control; Cl 22 – 24: see the rejections above and note that all the means are discussed therein.

With regard to claim 91, see col 5 lines 55+ of Parvulescu et al.

2. Claims 10 – 12 and 25 - 90 and 92 – 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,724,410 to Parvulescu et al in view of U.S. patent 6,853,714 to Liljestrand et al as applied above, and further in view of U.S. patent 6,075,844 to Goldberg et al.

Parvulescu et al/Liljestrand et al teach the invention as described above but do not teach a text message requesting additional information about the voice message. This is taught in Goldberg et al. See col 7 lines 1 – 40.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Parvulescu et al/Liljestrand et al with a text means for requesting retransmission in light of the teachings of Goldberg et al in order to provide a communication device which transmits information in a more reliable manner.

With regard to claim 11, see routing in col 4 lines 30+ of Goldberg et al.

With regard to claim 12, see col 7 lines 16+ and note that it would be obvious to list the possible recipients in a "menu" format.

With regard to claims 25 – 47, see the rejections above where each of the claim elements is discussed, including a list of potential recipients as discussed in brown and noted above.

With regard to claims 48 – 49, see the routing discussion above.

With regard to claim 50 - 53, see routing server 182 in Liljestrand et al.

With regard to claims 54 – 58, a PSTN and VOIP are taught in Liljestrand et al.

With regard to claims 59 – 64, note the use of voice processing, and see the discussion above.

With regard to claims 65 – 85, see the discussion above regarding the use of routing server above.

With regard to claims 86 – 90, see the discussion above and note that the means are taught in Parvulescu et al/Liljestrand et al/Goldberg.

With regard to claims 92 – 93, see the discussion of routing in Goldberg above.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571-272-7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SB

8/06/06